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ATTORNEYS FOR PLAINTIFF  
AGDER TANKERS AS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AGDER TANKERS AS,

Plaintiff,

-against-

BRYGGEN SHIPPING AND TRADING AS,

Defendant.

JUDGE LYNCH

07 Civ. 6209

AFFIDAVIT IN  
SUPPORT OF ATTACHMENT

STATE OF NEW YORK            )  
  ) ss:  
COUNTY OF NEW YORK        )

Michael J. Frevola, being duly sworn, deposes and says:

1. I am a member of the the firm of Holland & Knight LLP, attorneys for plaintiff Agder Tankers AS ("Agder"), and I am duly admitted to practice before the United States District Court for the Southern District of New York.

2. I am familiar with the facts and circumstances underlying this dispute and I am submitting this affidavit in support of the Verified Complaint and the Writ of Attachment.

3. Bryggen Shipping and Trading AS ("Bryggen") is not listed in the telephone directory of the principal metropolitan areas in this district, nor is it listed in the Transportation Tickler, a recognized commercial directory in the maritime industry.

4. Our office contacted the Secretary of State for the State of New York and was advised that Bryggen is not a New York business entity, nor is it a foreign business entity authorized to do business in New York.

5. To the best of my information and belief, Defendant Bryggen Shipping and Trading AS cannot be found within this district or within the State of New York.

6. Based upon the facts set forth in the Verified Complaint, I respectfully submit that the Defendant Bryggen Shipping and Trading AS is liable to Plaintiff for the damages alleged in the Verified Complaint, which amount, as best as can be presently determined, to a total of \$3,337,369.50, including estimated interest, expenses and attorneys' fees.

7. Upon information and belief, Defendant Bryggen Shipping and Trading AS has property, goods, chattels or effects within this jurisdiction, to wit: funds or accounts held in the name Bryggen Shipping and Trading AS at one or more of the following financial institutions:

Bank of America, N.A.

The Bank of New York

Citibank, N.A.

Deutsche Bank Trust Company Americas

HSBC Bank USA, N.A.

JPMorgan Chase Bank, N.A.

UBS AG

Wachovia Bank, N.A.

Société Générale

Standard Chartered Bank

BNP Paribas

Calyon Investment Bank

American Express Bank

Commerzbank

ABN Amro Bank

Bank Leumi USA

Fortis Financial Groups

Banco Popular


Bank of Tokyo-Mitsubishi UFJ Ltd.

8. Plaintiff is, therefore, requesting that this Court, pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, issue a writ of maritime attachment for an amount up to \$3,337,369.50.

**WHEREFORE**, Plaintiff respectfully requests that the application for a writ of maritime attachment and garnishment be granted.

  
\_\_\_\_\_  
Michael J. Frevola

Sworn to before me this  
3rd day of July, 2007

  
\_\_\_\_\_  
Notary Public

# 4640862\_v1 Elvin Ramos  
Notary Public, State of New York  
NO. 01RA4870243  
Qualified in Queens County  
Certificate filed in New York County  
Commission Expires September 2, 2010 3